

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

: Crim. No. 08-739 (FSH)

v.

: Hon. Faith S. Hochberg

LEVAR HAWTHORNE

: CONTINUANCE ORDER

A criminal indictment charging the defendant with being a convicted felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1), having been returned on October 1, 2008; and the defendant having appeared before this Court for an initial appearance on November 3, 2008; and the defendant being represented by Lorraine S. Gauli-Rufo, Esq., Assistant Federal Public Defender; and the defendant being detained; and the defendant and his counsel being aware that the defendant has the right to a trial within seventy (70) days of defendant's initial appearance on this charge, pursuant to Title 18, United States Code, Section 3161(b); and two (2) continuances having previously been granted by the Court pursuant to Title 18, United States Code, Section 3161(h)(8)(A); the parties hereby request a third continuance of sixty (60) days pursuant to Title 18, United States Code, Section 3161(h)(8)(A) in order to permit the parties to continue plea negotiations and try to resolve this matter without trial; the parties also respectfully request that the Court enter a schedule for briefing pre-trial motions and trial in the event a plea agreement can not be reached;

IT IS on this 5<sup>th</sup> day of March, 2009,  
ORDERED that from March 4, 2009, to and including May 4,  
2009, shall be excluded in calculating the time within which this  
case must go to trial under the Speedy Trial Act for the  
following reasons:

1. The defendant, through his counsel, has requested additional time so that the parties can attempt to resolve this matter through a plea agreement and thereby avoid a possible trial.
2. Pursuant to Title 18, United States Code, Section 3161(h)(8)(A), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS FURTHER ORDERED that if the defendant intends to file pre-trial motions, his motions shall be filed no later than May 4, 2009;

IT IS FURTHER ORDERED that any response by the Government to defendant's motions shall be no later than May 25, 2009;

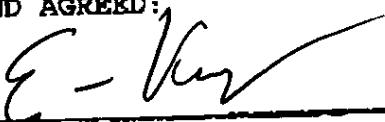
IT IS FURTHER ORDERED that oral argument as to any such motions shall be conducted on to be set;

IT IS FURTHER ORDERED that the trial in this matter will commence on June 9, 2009.

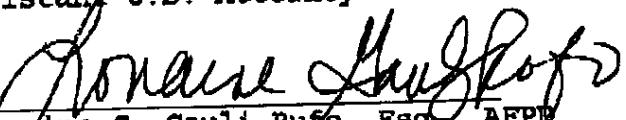


HONORABLE FAITH S. HOCHBERG  
United States District Judge

SEEN AND AGREED:



Eric T. Kanefsky, Esq.  
Assistant U.S. Attorney

  
Lorraine S. Gauli-Rufo, Esq., AFPP  
Counsel for Levar Hawthorne